



00862.022517

IFW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: Judson Jones
KEIJI EMOTO)	
	:	Group Art Unit: 2834
Application No.: 10/068,841)	
	:	Confirmation No.: 8954
Filed: February 11, 2002)	
	:	
For: LINEAR MOTOR, STAGE APPARATUS,)	March 8, 2006
EXPOSURE APPARATUS, AND DEVICE	:	
MANUFACTURING METHOD)	

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER SUBMITTING PRIOR ART REFERENCES

Sir:

Applicant, having received a Notice of Allowance and Fee(s) Due form (PTOL-85) dated June 2, 2005, and having paid the Issue Fee in the above-identified application on June 15, 2005, respectfully request that the enclosed Official Action in a corresponding application in the European Patent Office and the prior art reference cited therein (U.S. Patent No. 5,714,272) be placed in the U.S. Patent and Trademark Office's official filewrapper in connection with the above-referenced application.

Applicant's undersigned attorney may be reached in our Washington, D.C.
office by telephone at (202) 530-1010 All correspondence should continue to be directed to our
address given below.

Respectfully submitted,



Lawrence A. Stahl
Attorney for Applicant
Registration No. 30,110

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

LAS:eyw

DC_MAIN 233417v1



✉ EPA/EPO/OEB
D-80298 München
☎ +49 89 2399-0
TX 523 656 epmu d
FAX +49 89 2399-4465

PT

Europäisches
Patentamt

Generaldirektion 2

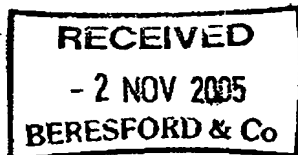
European
Patent Office

Directorate General 2

Office européen
des brevets

Direction Générale 2

Beresford, Keith Denis Lewis
BERESFORD & Co. 16 High Holborn
London WC1V 6BX
ROYAUME-UNI



Telephone numbers: Branch at The Hague

Primary Examiner (substantive examination) +31 70 340-8949

Formalities Officer / Assistant (Formalities and other matters) +31 70 340-2317



Application No. 02 251 037.4 - 1242 ✓	Ref. 2804530	Date 31.10.2005
Applicant CANON KABUSHIKI KAISHA		

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months ✓

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



Le Chenadec, H
Primary Examiner
for the Examining Division

Entered By: <i>ai</i>
Due: 28 FEB 2006
Bring Up: 04/NOV 2005 5
Checked By: <i>am</i>

Enclosure(s): 4 page/s reasons (Form 2906)

**Bescheld/Protokoll (Anlage)**

Datum
Date 31.10.2005
Date

Communication/Minutes (Annex)

Blatt
Sheet 1
Feuille

Notification/Procès-verbal (Annexe)

Anmelde-Nr.:
Application No.: 02 251 037.4
Demande n°:

The examination is being carried out on the following application documents:

Description, Pages

1, 2, 5-27 as originally filed
3, 4 received on 02.05.2005 with letter of 28.04.2005

Claims, Numbers

1-19 received on 02.05.2005 with letter of 28.04.2005

Drawings, Sheets

1/11-11/11 as originally filed

1. The following document is cited by the examiner (see the Guidelines, C-VI, 8.7). A copy of the document is annexed to the communication and the numbering will be adhered to in the rest of the procedure and is consistent with the first communication.

D5: US-A-5 714 272 (ZAIDAN HOUJIN SHINKU KAGAKU KENKYUJO) 3 February 1998 (1998-02-03)

Inventive step of independent claim 1

2. The present application does not meet the requirements of Article 52(1) EPC, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 56 EPC.

**Bescheld/Protokoll (Anlage)**

Datum
Date 31.10.2005

Communication/Minutes (Annex)

Blatt
Sheet 2
Feuille

Notification/Procès-verbal (Annexe)

Anmelde-Nr.:
Application No.: 02 251 037.4
Demande n°:

3. The document D2 is now regarded as being the closest prior art to the subject-matter of the newly filed claim 1, and discloses (see in particular figure 5C and column 12, the references in parentheses applying to this document) a linear motor comprising the following elements.

- A stator (512) having a coil (516) covered with a jacket (562) forming a flow path (560) for supplying a refrigerant that cools the coil (516).
- A movable element (520) having a magnet (522).
- The movable (520) element is movable relative to said stator (512).

The subject-matter of claim 1 therefore differs from the disclosure of D1 in that claim 1 further claims that a metal film is formed on a surface of at least one of said stator and said movable element.

The objective technical problem to be solved by this feature may therefore be regarded as preventing heat transfer by radiation between the stator and the movable element.

The identification of the problem is not inventive since the control of heat transfer by radiation in a reduced-pressure environment is very well known.

The skilled person facing the above mentioned problem is expected to take into consideration prior art publications in the field of thermal insulation, more specifically in the field of heat-radiation insulation. The document D5 discloses the use of metallic films having a low emissivity to reduce the heat transmission due to radiation (see D5, column 1, lines 27-28 and 38-40) between two chambers. The problem to which solution is suggested in document D5 and that underlying the present application are indeed the same problems of reducing radiation caused heat transfer and the solution proposed in the document D5 is directly applicable to the linear motor disclosed in D1. The subject-matter of claim 1 does therefore not involve an inventive step (Articles 52(1) and 56 EPC).

Dependent claims 2-19

4. Dependent claims 2-19 do not appear to contain any additional features which, in

**Bescheld/Protokoll (Anlage)**

Datum
Date 31.10.2005
Date

Communication/Minutes (Annex)

Blatt
Sheet 3
Feuille

Notification/Procès-verbal (Annexe)

Anmelde-Nr.:
Application No.: 02 251 037.4
Demande n°:

combination with the features of any claim to which they refer, meet the requirements of the EPC with respect to inventive step.

5. The subject-matter of dependent claims 2-6 would appear to correspond to normal design options the skilled person would follow, according to the circumstances, in order to solve the problem posed, in that case reducing the heat transfer by radiation.
6. The document D5 discloses that the metallic film can be made of copper, aluminium, silver or gold which are all non magnetic materials (subject-matter of claims 7 and 9) with a thickness comprised between 1 and 30 μm (subject-matter of claims 10). The use of nickel (subject-matter of claim 8) would not appear to involve an inventive step inasmuch as no specific technical effect would appear to be linked with the use of this metal.
7. The subject-matter of claims 11-13 would appear to correspond to normal design procedures.
8. For claims 14-19, see points 3, 4 and 6 of the first communication.

Concluding remarks

9. It is not at present apparent which part of the application could serve as a basis for a new, allowable claim. Should the applicant nevertheless regard some particular matter as patentable, an independent claim should be filed taking account of Rule 29(1) EPC. The applicant should also indicate the difference of the subject-matter of the new claim vis-à-vis the state of the art and the significance thereof.
10. Should the applicant be minded to file amendments, the following points should be considered.
 1. In order to facilitate the examination of the conformity of the amended application with the requirements of Article 123(2) EPC, the applicant is requested to clearly identify the amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion, and to indicate the passages

**Beschheid/Protokoll (Anlage)**

Datum
Date 31.10.2005
Date

Communication/Minutes (Annex)

Blatt
Sheet 4
Feuille

Notification/Procès-verbal (Annexe)

Anmelde-Nr.:
Application No.: 02 251 037.4
Demande n°:

of the application as filed on which these amendments are based.

If the applicant regards it as appropriate these indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.

2. To meet the requirements of Rule 27(1)(b) EPC, the document D1 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.
 3. The features of the claims should be provided with reference signs placed in parentheses to increase the intelligibility of the claims (Rule 29(7) EPC). This applies to both the preamble and characterising portion (see the Guidelines, C-III, 4.11).
 4. When filing amended claims the applicant should at the same time bring the description into conformity with the amended claims. See Article 84, Rule 27(c) EPC and Guidelines C-III, 4.3. Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC).
11. In accordance with the subsidiary request of the Applicant, if in response to this communication, the application is still not in order for grant, formal Oral Proceedings will be held. During the Oral Proceedings the Applicant will be given a final opportunity to overcome any outstanding objections. Subsequent to the Oral Proceedings, the Examining Division will refuse any further request for amendment (Rule 86(3) EPC).